

**BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

FLORITA CACATIAN JONES AKA FLORITA
MALINAO CACATIAN
aka Florita Malinao Cacatian
8715 Beachwood Drive
Alta Loma, CA 91701

Registered Nurse License No. 516409

Respondent.

Case No. 2006-106

OAH No. L-2007020236

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on December 19, 2007.

It is so ORDERED November 19, 2007.

Lathene W Tate

FOR THE BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 JENNIFER S. CADY
Supervising Deputy Attorney General
3 THOMAS L. RINALDI, State Bar No. 206911
Deputy Attorney General
4 California Department of Justice
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-2541
6 Facsimile: (213) 897-2804

7 Attorneys for Complainant

8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

12 FLORITA CACATIAN JONES AKA FLORITA
MALINAO CACATIAN
13 aka Florita Malinao Cacatian
8715 Beachwood Drive
14 Alta Loma, CA 91701

15 Registered Nurse License No. 516409

16 Respondent.
17

Case No. 2006-106

OAH No. L-2007020236

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

18
19 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the
20 above-entitled proceedings that the following matters are true:

21 PARTIES

22 1. Ruth Ann Terry, M.P.H, R.N (Complainant) is the Executive Officer of
23 the Board of Registered Nursing. She brought this action solely in her official capacity and is
24 represented in this matter by Edmund G. Brown Jr., Attorney General of the State of California,
25 by Thomas L. Rinaldi, Deputy Attorney General.

26 2. Respondent Florita Cacatian Jones aka Florita Malinao Cacatian is
27 represented in this proceeding by attorney Donald B. Brown, whose address is 3848 Carson
28 Street, Suite 206, Torrance, CA 90503.

1 9. Respondent agrees that her Registered Nurse License is subject to
2 discipline and she agrees to be bound by the Board of Registered Nursing (Board)'s imposition of
3 discipline as set forth in the Disciplinary Order below.

4 RESERVATION

5 10. The admissions made by Respondent herein are only for the purposes of
6 this proceeding, or any other proceedings in which the Board of Registered Nursing or other
7 professional licensing agency is involved, and shall not be admissible in any other criminal or
8 civil proceeding.

9 CONTINGENCY

10 11. This stipulation shall be subject to approval by the Board. Respondent
11 understands and agrees that counsel for Complainant and the staff of the Board of Registered
12 Nursing may communicate directly with the Board regarding this stipulation and settlement,
13 without notice to or participation by Respondent or her counsel. By signing the stipulation,
14 Respondent understands and agrees that she may not withdraw her agreement or seek to rescind
15 the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt
16 this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall
17 be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action
18 between the parties, and the Board shall not be disqualified from further action by having
19 considered this matter.

20 OTHER MATTERS

21 12. The parties understand and agree that facsimile copies of this Stipulated
22 Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same
23 force and effect as the originals.

24 DISCIPLINARY ORDER

25 In consideration of the foregoing admissions and stipulations, the parties agree
26 that the Board may, without further notice or formal proceeding, issue and enter the following
27 Disciplinary Order:

28 IT IS HEREBY ORDERED that Registered Nurse License No. 516409 issued to

Respondent is revoked. However, the revocation is stayed and Respondent is placed on probation for three (3) years on the following terms and conditions.

Severability Clause. Each condition of probation contained herein is a separate and distinct condition. If any condition of this Order, or any application thereof, is declared unenforceable in whole, in part, or to any extent, the remainder of this Order, and all other applications thereof, shall not be affected. Each condition of this Order shall separately be valid and enforceable to the fullest extent permitted by law.

1. **Obey All Laws.** Respondent shall obey all federal, state and local laws. A full and detailed account of any and all violations of law shall be reported by Respondent to the Board in writing within seventy-two (72) hours of occurrence. To permit monitoring of compliance with this condition, Respondent shall submit completed fingerprint forms and fingerprint fees within 45 days of the effective date of the decision, unless previously submitted as part of the licensure application process.

Criminal Court Orders: If Respondent is under criminal court orders, including probation or parole, and the order is violated, this shall be deemed a violation of these probation conditions, and may result in the filing of an accusation and/or petition to revoke probation.

2. **Comply with the Board's Probation Program.** Respondent shall fully comply with the conditions of the Probation Program established by the Board and cooperate with representatives of the Board in its monitoring and investigation of the Respondent's compliance with the Board's Probation Program. Respondent shall inform the Board in writing within no more than 15 days of any address change and shall at all times maintain an active, current license status with the Board, including during any period of suspension.

Upon successful completion of probation, Respondent's license shall be fully restored.

3. **Report in Person.** Respondent, during the period of probation, shall appear in person at interviews/meetings as directed by the Board or its designated representatives.

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1 4. **Residency, Practice, or Licensure Outside of State.** Periods of
2 residency or practice as a registered nurse outside of California shall not apply toward a reduction
3 of this probation time period. Respondent's probation is tolled, if and when she resides outside
4 of California. Respondent must provide written notice to the Board within 15 days of any change
5 of residency or practice outside the state, and within 30 days prior to re-establishing residency or
6 returning to practice in this state.

7 Respondent shall provide a list of all states and territories where she has ever been
8 licensed as a registered nurse, vocational nurse, or practical nurse. Respondent shall further
9 provide information regarding the status of each license and any changes in such license status
10 during the term of probation. Respondent shall inform the Board if she applies for or obtains a
11 new nursing license during the term of probation.

12 5. **Submit Written Reports.** Respondent, during the period of probation,
13 shall submit or cause to be submitted such written reports/declarations and verification of actions
14 under penalty of perjury, as required by the Board. These reports/declarations shall contain
15 statements relative to Respondent's compliance with all the conditions of the Board's Probation
16 Program. Respondent shall immediately execute all release of information forms as may be
17 required by the Board or its representatives.

18 Respondent shall provide a copy of this Decision to the nursing regulatory agency
19 in every state and territory in which she has a registered nurse license.

20 6. **Function as a Registered Nurse.** Respondent, during the period of
21 probation, shall engage in the practice of registered nursing in California for a minimum of 24
22 hours per week for 6 consecutive months or as determined by the Board.

23 For purposes of compliance with the section, "engage in the practice of registered
24 nursing" may include, when approved by the Board, volunteer work as a registered nurse, or
25 work in any non-direct patient care position that requires licensure as a registered nurse.

26 The Board may require that advanced practice nurses engage in advanced practice
27 nursing for a minimum of 24 hours per week for 6 consecutive months or as determined by the
28 Board.

1 If Respondent has not complied with this condition during the probationary term,
2 and Respondent has presented sufficient documentation of her good faith efforts to comply with
3 this condition, and if no other conditions have been violated, the Board, in its discretion, may
4 grant an extension of Respondent's probation period up to one year without further hearing in
5 order to comply with this condition. During the one year extension, all original conditions of
6 probation shall apply.

7 **7. Employment Approval and Reporting Requirements.** Respondent
8 shall obtain prior approval from the Board before commencing or continuing any employment,
9 paid or voluntary, as a registered nurse. Respondent shall cause to be submitted to the Board all
10 performance evaluations and other employment related reports as a registered nurse upon request
11 of the Board.

12 Respondent shall provide a copy of this Decision to her employer and immediate
13 supervisors prior to commencement of any nursing or other health care related employment.

14 In addition to the above, Respondent shall notify the Board in writing within
15 seventy-two (72) hours after she obtains any nursing or other health care related employment.
16 Respondent shall notify the Board in writing within seventy-two (72) hours after she is
17 terminated or separated, regardless of cause, from any nursing, or other health care related
18 employment with a full explanation of the circumstances surrounding the termination or
19 separation.

20 **8. Supervision.** Respondent shall obtain prior approval from the Board
21 regarding Respondent's level of supervision and/or collaboration before commencing or
22 continuing any employment as a registered nurse, or education and training that includes patient
23 care.

24 Respondent shall practice only under the direct supervision of a registered nurse
25 in good standing (no current discipline) with the Board of Registered Nursing, unless alternative
26 methods of supervision and/or collaboration (e.g., with an advanced practice nurse or physician)
27 are approved.

28 Respondent's level of supervision and/or collaboration may include, but is not

1 limited to the following:

2 (a) Maximum - The individual providing supervision and/or collaboration is
3 present in the patient care area or in any other work setting at all times.

4 (b) Moderate - The individual providing supervision and/or collaboration is in
5 the patient care unit or in any other work setting at least half the hours Respondent works.

6 (c) Minimum - The individual providing supervision and/or collaboration has
7 person-to-person communication with Respondent at least twice during each shift worked.

8 (d) Home Health Care - If Respondent is approved to work in the home health
9 care setting, the individual providing supervision and/or collaboration shall have person-to-
10 person communication with Respondent as required by the Board each work day. Respondent
11 shall maintain telephone or other telecommunication contact with the individual providing
12 supervision and/or collaboration as required by the Board during each work day. The individual
13 providing supervision and/or collaboration shall conduct, as required by the Board, periodic, on-
14 site visits to patients' homes visited by Respondent with or without Respondent present.

15 9. **Employment Limitations.** Respondent shall not work for a nurse's
16 registry, in any private duty position as a registered nurse, a temporary nurse placement agency, a
17 traveling nurse, or for an in-house nursing pool.

18 Respondent shall not work for a licensed home health agency as a visiting nurse
19 unless the registered nursing supervision and other protections for home visits have been
20 approved by the Board. Respondent shall not work in any other registered nursing occupation
21 where home visits are required.

22 Respondent shall not work in any health care setting as a supervisor of registered
23 nurses. The Board may additionally restrict Respondent from supervising licensed vocational
24 nurses and/or unlicensed assistive personnel on a case-by-case basis.

25 Respondent shall not work as a faculty member in an approved school of nursing
26 or as an instructor in a Board approved continuing education program.

27 Respondent shall work only on a regularly assigned, identified and predetermined
28 worksite(s) and shall not work in a float capacity.

1 If Respondent is working or intends to work in excess of 40 hours per week, the
2 Board may request documentation to determine whether there should be restrictions on the hours
3 of work.

4 **10. Complete a Nursing Course(s).** Respondent, at her own expense, shall
5 enroll and successfully complete a course(s) relevant to the practice of registered nursing no later
6 than six months prior to the end of her probationary term.

7 Respondent shall obtain prior approval from the Board before enrolling in the
8 course(s). Respondent shall submit to the Board the original transcripts or certificates of
9 completion for the above required course(s). The Board shall return the original documents to
10 Respondent after photocopying them for its records.

11 **11. Cost Recovery.** Respondent shall pay to the Board costs associated with
12 its investigation and enforcement pursuant to Business and Professions Code section 1253 in the
13 amount of \$3,956.00. Respondent shall be permitted to pay these costs in a payment plan
14 approved by the Board, with payments to be completed no later than three months prior to the
15 end of the probation term.

16 If Respondent has not complied with this condition during the probationary term,
17 and Respondent has presented sufficient documentation of her good faith efforts to comply with
18 this condition, and if no other conditions have been violated, the Board, in its discretion, may
19 grant an extension of Respondent's probation period up to one year without further hearing in
20 order to comply with this condition. During the one year extension, all original conditions of
21 probation will apply.

22 **12. Violation of Probation.** If Respondent violates the conditions of her
23 probation, the Board after giving Respondent notice and an opportunity to be heard, may set
24 aside the stay order and impose the stayed discipline (revocation/suspension) of Respondent's
25 license.

26 If during the period of probation, an accusation or petition to revoke probation has
27 been filed against Respondent's license or the Attorney General's Office has been requested to
28 prepare an accusation or petition to revoke probation against Respondent's license, the

1 probationary period shall automatically be extended and shall not expire until the accusation or
2 petition has been acted upon by the Board.

3 13. **License Surrender.** During Respondent's term of probation, if she ceases
4 practicing due to retirement, health reasons or is otherwise unable to satisfy the conditions of
5 probation, Respondent may surrender her license to the Board. The Board reserves the right to
6 evaluate Respondent's request and to exercise its discretion whether to grant the request, or to
7 take any other action deemed appropriate and reasonable under the circumstances, without
8 further hearing. Upon formal acceptance of the tendered license and wall certificate, Respondent
9 will no longer be subject to the conditions of probation.

10 Surrender of Respondent's license shall be considered a disciplinary action and
11 shall become a part of Respondent's license history with the Board. A registered nurse whose
12 license has been surrendered may petition the Board for reinstatement no sooner than the
13 following minimum periods from the effective date of the disciplinary decision:

14 (1) Two years for reinstatement of a license that was surrendered for any
15 reason other than a mental or physical illness; or

16 (2) One year for a license surrendered for a mental or physical illness.

17 14. **Physical Examination.** Within 45 days of the effective date of this
18 Decision, Respondent, at her expense, shall have a licensed physician, nurse practitioner, or
19 physician assistant, who is approved by the Board before the assessment is performed, submit an
20 assessment of the Respondent's physical condition and capability to perform the duties of a
21 registered nurse. Such an assessment shall be submitted in a format acceptable to the Board. If
22 medically determined, a recommended treatment program will be instituted and followed by the
23 Respondent with the physician, nurse practitioner, or physician assistant providing written
24 reports to the Board on forms provided by the Board.

25 If Respondent is determined to be unable to practice safely as a registered nurse,
26 the licensed physician, nurse practitioner, or physician assistant making this determination shall
27 immediately notify the Board and Respondent by telephone, and the Board shall request that the
28 Attorney General's office prepare an accusation or petition to revoke probation. Respondent

1 shall immediately cease practice and shall not resume practice until notified by the Board.
2 During this period of suspension, Respondent shall not engage in any practice for which a license
3 issued by the Board is required until the Board has notified Respondent that a medical
4 determination permits Respondent to resume practice. This period of suspension will not apply
5 to the reduction of this probationary time period.

6 If Respondent fails to have the above assessment submitted to the Board within
7 the 45-day requirement, Respondent shall immediately cease practice and shall not resume
8 practice until notified by the Board. This period of suspension will not apply to the reduction of
9 this probationary time period. The Board may waive or postpone this suspension only if
10 significant, documented evidence of mitigation is provided. Such evidence must establish good
11 faith efforts by Respondent to obtain the assessment, and a specific date for compliance must be
12 provided. Only one such waiver or extension may be permitted.

13 **15. Participate in Treatment/Rehabilitation Program for Chemical**
14 **Dependence.** Respondent, at her expense, shall successfully complete during the probationary
15 period or shall have successfully completed prior to commencement of probation a Board-
16 approved treatment/rehabilitation program of at least six months duration. As required, reports
17 shall be submitted by the program on forms provided by the Board. If Respondent has not
18 completed a Board-approved treatment/rehabilitation program prior to commencement of
19 probation, Respondent, within 45 days from the effective date of the decision, shall be enrolled in
20 a program. If a program is not successfully completed within the first nine months of probation,
21 the Board shall consider Respondent in violation of probation.

22 Based on Board recommendation, each week Respondent shall be required to
23 attend at least one, but no more than five 12-step recovery meetings or equivalent (e.g., Narcotics
24 Anonymous, Alcoholics Anonymous, etc.) and a nurse support group as approved and directed
25 by the Board. If a nurse support group is not available, an additional 12-step meeting or
26 equivalent shall be added. Respondent shall submit dated and signed documentation confirming
27 such attendance to the Board during the entire period of probation. Respondent shall continue
28 with the recovery plan recommended by the treatment/rehabilitation program or a licensed

1 mental health examiner and/or other ongoing recovery groups.

2 16. **Abstain from Use of Psychotropic (Mood-Altering) Drugs.** Respondent
3 shall completely abstain from the possession, injection or consumption by any route of all
4 controlled substances and all psychotropic (mood altering) drugs, including alcohol, except when
5 the same are ordered by a health care professional legally authorized to do so as part of
6 documented medical treatment. Respondent shall have sent to the Board, in writing and within
7 fourteen (14) days, by the prescribing health professional, a report identifying the medication,
8 dosage, the date the medication was prescribed, the Respondent's prognosis, the date the
9 medication will no longer be required, and the effect on the recovery plan, if appropriate.

10 Respondent shall identify for the Board a single physician, nurse practitioner or
11 physician assistant who shall be aware of Respondent's history of substance abuse and will
12 coordinate and monitor any prescriptions for Respondent for dangerous drugs, controlled
13 substances or mood-altering drugs. The coordinating physician, nurse practitioner, or physician
14 assistant shall report to the Board on a quarterly basis Respondent's compliance with this
15 condition. If any substances considered addictive have been prescribed, the report shall identify a
16 program for the time limited use of any such substances.

17 The Board may require the single coordinating physician, nurse practitioner, or
18 physician assistant to be a specialist in addictive medicine, or to consult with a specialist in
19 addictive medicine.

20 17. **Submit to Tests and Samples.** Respondent, at her expense, shall
21 participate in a random, biological fluid testing or a drug screening program which the Board
22 approves. The length of time and frequency will be subject to approval by the Board.
23 Respondent is responsible for keeping the Board informed of Respondent's current telephone
24 number at all times. Respondent shall also ensure that messages may be left at the telephone
25 number when she is not available and ensure that reports are submitted directly by the testing
26 agency to the Board, as directed. Any confirmed positive finding shall be reported immediately
27 to the Board by the program and Respondent shall be considered in violation of probation.

28 In addition, Respondent, at any time during the period of probation, shall fully

1 cooperate with the Board or any of its representatives, and shall, when requested, submit to such
2 tests and samples as the Board or its representatives may require for the detection of alcohol,
3 narcotics, hypnotics, dangerous drugs, or other controlled substances.

4 If Respondent has a positive drug screen for any substance not legally authorized
5 and not reported to the coordinating physician, nurse practitioner, or physician assistant, and the
6 Board files a petition to revoke probation or an accusation, the Board may suspend Respondent
7 from practice pending the final decision on the petition to revoke probation or the accusation.
8 This period of suspension will not apply to the reduction of this probationary time period.

9 If Respondent fails to participate in a random, biological fluid testing or drug
10 screening program within the specified time frame, Respondent shall immediately cease practice
11 and shall not resume practice until notified by the Board. After taking into account documented
12 evidence of mitigation, if the Board files a petition to revoke probation or an accusation, the
13 Board may suspend Respondent from practice pending the final decision on the petition to
14 revoke probation or the accusation. This period of suspension will not apply to the reduction of
15 this probationary time period.

16 **18. Mental Health Examination.** Respondent shall, within 45 days of the
17 effective date of this Decision, have a mental health examination including psychological testing
18 as appropriate to determine her capability to perform the duties of a registered nurse. The
19 examination will be performed by a psychiatrist, psychologist or other licensed mental health
20 practitioner approved by the Board. The examining mental health practitioner will submit a
21 written report of that assessment and recommendations to the Board. All costs are the
22 responsibility of Respondent. Recommendations for treatment, therapy or counseling made as a
23 result of the mental health examination will be instituted and followed by Respondent.

24 If Respondent is determined to be unable to practice safely as a registered nurse,
25 the licensed mental health care practitioner making this determination shall immediately notify
26 the Board and Respondent by telephone, and the Board shall request that the Attorney General's
27 office prepare an accusation or petition to revoke probation. Respondent shall immediately cease
28 practice and may not resume practice until notified by the Board. During this period of

1 suspension, Respondent shall not engage in any practice for which a license issued by the Board
2 is required, until the Board has notified Respondent that a mental health determination permits
3 Respondent to resume practice. This period of suspension will not apply to the reduction of this
4 probationary time period.

5 If Respondent fails to have the above assessment submitted to the Board within
6 the 45-day requirement, Respondent shall immediately cease practice and shall not resume
7 practice until notified by the Board. This period of suspension will not apply to the reduction of
8 this probationary time period. The Board may waive or postpone this suspension only if
9 significant, documented evidence of mitigation is provided. Such evidence must establish good
10 faith efforts by Respondent to obtain the assessment, and a specific date for compliance must be
11 provided. Only one such waiver or extension may be permitted.

12 19. **Therapy or Counseling Program.** Respondent, at her expense, shall
13 participate in an on-going counseling program until such time as the Board releases her from this
14 requirement and only upon the recommendation of the counselor. Written progress reports from
15 the counselor will be required at various intervals.

16 ACCEPTANCE

17 I have carefully read the above Stipulated Settlement and Disciplinary Order and
18 have fully discussed it with my attorney, Donald B. Brown. I understand the stipulation and the
19 effect it will have on my Registered Nurse License. I enter into this Stipulated Settlement and
20 Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the
21 Decision and Order of the Board of Registered Nursing.

22 DATED: August 29, 2007.



23 FLORITA CACATIAN JONES AKA FLORITA
24 MALINAO CACATIAN (Respondent)
Respondent

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1 I have read and fully discussed with Respondent Florita Cacatian Jones aka
2 Florita Malinao Cacatian the terms and conditions and other matters contained in the above
3 Stipulated Settlement and Disciplinary Order. I approve its form and content.

4 DATED: AUG 29 2007

5 
6 _____
7 DONALD B. BROWN
8 Attorney for Respondent


9 ENDORSEMENT

10 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully
11 submitted for consideration by the Board of Registered Nursing of the Department of Consumer
12 Affairs.

13
14 DATED: 9/10/07

15 EDMUND G. BROWN JR., Attorney General
16 of the State of California

17 JENNIFER S. CADY
18 Supervising Deputy Attorney General

19 
20 _____
21 THOMAS L. RINALDI
22 Deputy Attorney General

23 Attorneys for Complainant

24 DOJ Matter ID: LA2006600773

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Exhibit A
Accusation No. 2006-106

1 BILL LOCKYER, Attorney General
of the State of California
2 THOMAS L. RINALDI, State Bar No. 206911
Deputy Attorney General
3 California Department of Justice
300 So. Spring Street, Suite 1702
4 Los Angeles, CA 90013
Telephone: (213) 897-2541
5 Facsimile: (213) 897-2804

6 Attorneys for Complainant

7 **BEFORE THE**
8 **BOARD OF REGISTERED NURSING**
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

Case No. 2006-106

11 FLORITA C. JONES
a.k.a., FLORITA MALINAO CACATIAN
12 556 Geneva Avenue
Claremont, CA 91711

A C C U S A T I O N

13 Registered Nurse License No. 516409

14 Respondent.

15
16 Complainant alleges:

17 **PARTIES**

18 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) brings this Accusation
19 solely in her official capacity as the Executive Officer of the Board of Registered Nursing
20 (Board), Department of Consumer Affairs.

21 2. On or about October 3, 1995, the Board issued Registered Nurse License
22 No. 516409 to Florita C. Jones, also known as Florita Malinao Cacatian (Respondent). The
23 Registered Nurse License was in full force and effect at all times relevant to the charges brought
24 herein and will expire on January 31, 2007, unless renewed.

25 **JURISDICTION**

26 3. This Accusation is brought before the Board, under the authority of the
27 following laws. All section references are to the Business and Professions Code unless otherwise
28 indicated.

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1 injurious to himself or herself, any other person, or the public or to the extent that such use
2 impairs his or her ability to conduct with safety to the public the practice authorized by his or her
3 license."

4 8. Health and Safety Code section 11170 states:

5 "No person shall prescribe, administer, or furnish a controlled substance for
6 himself."

7 9. Health and Safety Code section 11173, subdivision (a), provides that it is
8 illegal to possess a controlled substance without a valid prescription.

9 10. Section 125.3 provides, in pertinent part, that the Board may request the
10 administrative law judge to direct a licentiate found to have committed a violation or violations
11 of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
12 enforcement of the case.

13 11. CONTROLLED SUBSTANCES

14 A. "Dilaudid," is a brand of hydromorphone hydrochloride. It is a Schedule II
15 controlled substance as designated by Health and Safety Code section 11055(b)(1)(k) and is
16 categorized as a "dangerous drug" pursuant to Business and Professions Code section 4022.

17 B. "Morphine Sulfate," is a preparation of morphine, the principal alkaloid of
18 opium. It is a Schedule II controlled substance as designated by Health and Safety Code section
19 11055(b)(1)(M) and is categorized as a "dangerous drug" pursuant to Business and Professions
20 Code section 4022.

21 KAISER PERMANENTE HOSPITAL

22 12. On or around August 9, 2004, approximately eleven empty vials of
23 narcotics including Dilaudid and Morphine, a syringe with a bent needle and two IV catheters
24 were found on the floor of a bathroom at Kaiser Permanente Hospital, located in Fontana, CA.
25 Respondent was present at the scene and was observed displaying slurred and garbled speech, an
26 unsteady gait and appeared to be confused. Officers of the Fontana Police Department were
27 called to the scene and conducted an interview of Respondent. During the course of the
28 interview, Respondent displayed fresh puncture marks on her arms and admitted to officers that

1 she had injected herself with Morphine. Following an investigation conducted by the Division of
2 Investigation, Respondent further admitted that on August 9, 2004, she had removed narcotics
3 including Morphine and Dilaudid from a "sharps" container which were then administered to
4 herself.

5 FIRST CAUSE FOR DISCIPLINE

6 (Obtaining or Possessing Controlled Substances)

7 13. Respondent is subject to disciplinary action under section 2761(a) for
8 unprofessional conduct, as defined by section 2762(a), in that on or about August 9, 2004, while
9 employed as a registered nurse at Kaiser Permanente, she obtained and possessed Morphine and
10 Dilaudid, controlled substances, without a valid prescription, as further described in paragraph
11 12.

12 SECOND CAUSE FOR DISCIPLINE

13 (Use of Controlled Substances)

14 14. Respondent is subject to disciplinary action under section 2761(a) and (d)
15 for unprofessional conduct, as defined by section 2762(b), in that on or about August 9, 2004,
16 Respondent used Dilaudid and Morphine in a manner dangerous or injurious to herself, any other
17 person and the public as further described in paragraph 12.

18 PRAYER

19 WHEREFORE, Complainant requests that a hearing be held on the matters herein
20 alleged, and that following the hearing, the Board issue a decision:

21 1. Revoking or suspending Registered Nurse License No. 516409, issued to
22 Florita C. Jones, also known as Florita Malinao Cacatian.

23 2. Ordering Florita C. Jones to pay the Board the reasonable costs of the
24 investigation and enforcement of this case, pursuant to Business and Professions Code section
25 125.3.

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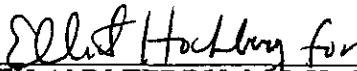
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3. Taking such other and further action as deemed necessary and proper.

DATED: October 18, 2006


RUTH ANN TERRY, M.P.H., R.N.
Executive Officer
Board of Registered Nursing
State of California
Complainant

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